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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,548	12/22/2000	Arjan Johannes Hegeman	9D-DW-19776	6868

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06/04/2003

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EXAMINER

PERRIN, JOSEPH L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/742,548

Applicant(s)

HEGEMAN ET AL.

Examiner

Joseph Perrin, Ph.D.

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Status of Application

1. In view of applicant's response filed 24 April 2003, the status of the application is as follows:

The objection of claims 4-5 is withdrawn in view of the amendment to claim 4.

The rejection of claims 1-20 under 35 U.S.C. 102(e) is maintained for at least reasons of record.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,418,943 to Miller.

Re claims 1-4, 9-12 and 17-20, Miller teaches a dishwasher 200 with a tub 212 with vertical walls, a sump 218, a fluid circulation assembly having a main pump 228, a drain pump 294, and a fine filter assembly having a filter body 272 with inlet and outlet "substantially adjacent" to each other, the body being downwardly sloped forming a helical extended flow path between the inlet and outlet extending substantially 360 degrees (see entire reference of Miller, for instance Figures 1-4, 6 and 7, col. 5, line 41 to col. 6, line 6, and col. 4, lines 50-58).

Re claims 5-8 and 13-16, Miller teaches the dishwasher further having a weir (see entire reference of Miller, for instance, in Figure 4, not numbered) extending from the outer perimeter of the filter body, the flow path being wider at the outlet relative to the inlet (see entire reference of Miller, for instance, Figures 3-4 and 6), and a filter screen 284 disposed above the bowl-shaped filter body (see, for instance, Figure 4).

Response to Arguments

4. Applicant's arguments filed 24 April 2003 have been fully considered but they are not persuasive.

5. In response to applicant's arguments that "Miller neither describes nor suggests a fine filter assembly including a filter body including an inlet and an outlet, the inlet located substantially adjacent the outlet, and an extended flow path joining the inlet and the outlet" and "[m]oreover, Miller neither describes nor suggests an inlet located *substantially adjacent* the outlet" (emphasis added), applicant's attention is directed to the rejection of claim 1 above (repeated from the previous Office action) which clearly discloses the fine filter assembly as claimed by applicant (as shown, for instance, in Figure 4 of Miller). Moreover, applicant's argument that "[t]he inlet (276) and outlet of the channel (283) are not substantially adjacent to each other" is not persuasive because Figure 4 clearly shows the inlet and outlet adjacent each other, therefore read on applicant's broad claims language of *substantially adjacent*. For reasons of same, the rejection of claims 2-8 (dependent on claim 1) is also deemed proper.

6. Re independent claims 9 and 17, applicant repeats arguments of claim 1 for independent claims 9 and 17, which are proper combinations of subcombination type claim 1. Accordingly, the arguments for independent claims 9 and 17 (and claims 10-16 and 18-20, respectively, dependent thereon) are not persuasive for at least reasons of same given above regarding claim 1.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

8. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

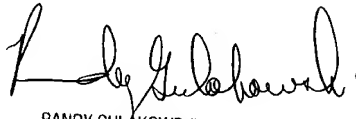
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Perrin, Ph.D. whose telephone number is (703)305-0626. The examiner can normally be reached on M-F 7:30-5:00, except alternate Fridays.

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on (703)308-4333. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9310 for regular communications and (703)872-9311 for After Final communications.

11. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Joseph Perrin, Ph.D.
Examiner
Art Unit 1746

jlj
June 2, 2003


RANDY GULAKOWSKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700